

JF Guidelines for 1984 ballot issues

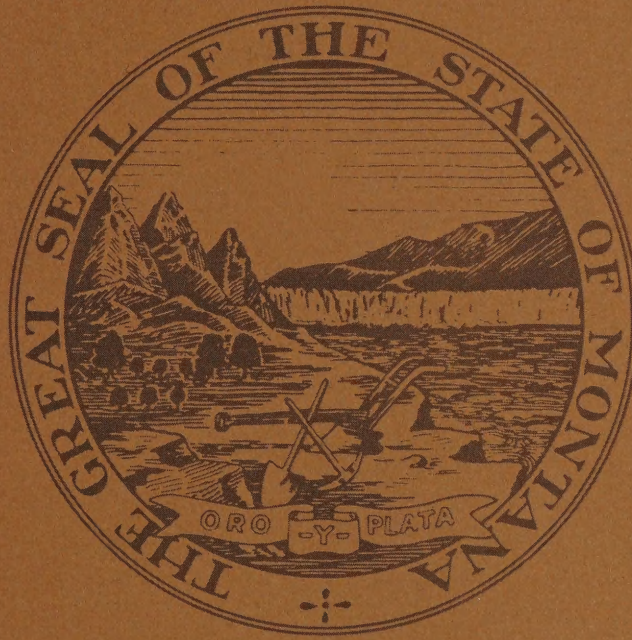
491

1984



S 20

Guidelines for 1984 Ballot Issues



Prepared by: Jim Waltermire

**Secretary of State
Montana State Capitol
Helena, MT 59620
Election Section
(406) 449-4732**

JF
491
1984

in to Co June 29, '84 JF 491
in to SS July 13, '84 1984

520

PREFACE

Montanans have always been a proud and independent people, concerned with governing themselves. This characteristic was first expressed in Article III, Section I of the 1889 Constitution which provided that: "All political power is vested in and derived from the people; all government of right originates with the people; is founded upon their will only, and is instituted solely for the good of the whole".

At that time, however, the only real power given directly to the people regarding the laws that would govern them was the power to elect state senators and representatives. It was those officials who actually wrote the legislation and enacted it.

It was sixteen years later before citizens themselves obtained the right to enact laws directly. In 1905, the Ninth Legislative Assembly submitted to the "qualified electors of the state of Montana, at the next general election," an amendment to the Constitution to provide the people with the self-government tools called initiative and referendum. The measure passed overwhelmingly (36,374 to 6,616) and went into effect on December 7, 1906.

From that time through the general election in 1982, one hundred initiatives and referendums have been proposed, either by the Legislature or through a citizen's effort. Of those proposed by citizens, only twelve potential laws failed to gain a place on the ballot because of insufficient signatures. Six more were rejected by the Supreme Court for one reason or another. Eighty-two of these special measures have actually been voted on since 1906.

The right of citizens to directly participate in their government was expanded once more with the adoption of a new Constitution in 1972. In that document, for the first time Montanans gave themselves the opportunity to write and propose amendments to their Constitution by petition. Prior to 1972, only the Legislature could do that and citizens' direct involvement was limited to either ratifying or rejecting the actions of the Legislature.

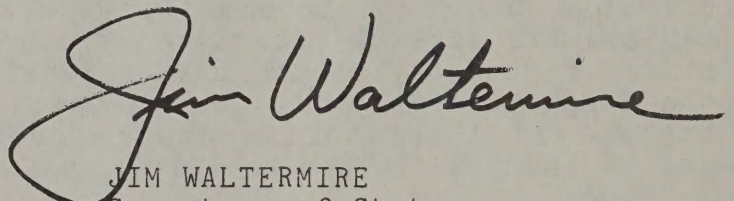
Even though their power has been expanded, Montanans have continued to recognize the seriousness of making changes in their constitution. Since 1972, nineteen Constitutional Initiatives have been proposed by Montana citizens. Sixteen never made it to a vote because they failed to gain the required

number of signatures for ballot access. Only three have actually been voted on and only one of those has been adopted.

Today, the rights of initiative, referendum, and constitutional initiative are part of the Montana way of life. It is doubtful that Montanans will ever allow themselves to be without these rights. But many may not even realize that they enjoy a privilege that a lot of other Americans don't have. Only twenty-three states even allow for ballot issues. And according to Editor David Schmidt of Initiative News Report, Montana ranks among the top four in using this process to pass laws.

This booklet is intended to assist Montanans in the exercise of our special rights. It provides the required material and guidelines necessary to put special measures on the 1984 general election ballot. All ballot issues which qualify for the ballot will be distributed to the voters in the Montana Voter Information Pamphlet, published by the secretary of state prior to the election.

I hope you will find this booklet useful in your initiative and referendum petition drives. Please feel free to contact me if you have any questions or suggestions concerning its content.



JIM WALTERMIRE
Secretary of State

TABLE OF CONTENTS

<u>Title</u>	<u>Page</u>
Preface.....	1
Who May Petition.....	4
Types of Ballot Issues.....	4
Number of Signatures Required.....	5
When Election Held.....	6
Requirements - Contents.....	6
Submission of Text for Review and Recommendations.....	7
Submission of Sample Form for Approval.....	8
Time for Submission and Filing.....	9
A. County Officials.....	9
B. Secretary of State.....	10
Withdrawal of Signatures.....	10
Certification to Governor.....	10
Canvass of Votes Cast.....	10
Effective Dates.....	10
Statutory and Constitutional References.....	12
Chart of Basis for Filing Initiative and Referendum Measures.....	15
Title 13, Chapter 27, Montana Code Annotated (as amended, 1983).....	18

INITIATIVE AND REFERENDUM PETITIONS

As you begin work on drafting a petition, the following outline of requirements and procedures should help to make your job easier. Be sure to review all of Title 13, Chapter 27, beginning on page 18 for complete statutory provisions.

I. WHO MAY PETITION

- A. A petitioner may be any citizen of the state 18 years of age or older who meets the residence requirements for registration and is registered as a qualified elector.

II. TYPES OF BALLOT ISSUES

- A. **Initiative.** An initiative is a proposal by petition to enact new law by a vote of the people on any matter except appropriation of money and local or special laws.
- B. **Referendum.** A referendum is a proposal by which the people, by their majority vote, can approve or reject a previously enacted statute except an appropriation of money. A referendum may be originated by the legislature itself or by the people.

- 1. **By the Legislature.** At the time a piece of legislation is considered, the legislature may, in its discretion, decide to have their action ratified by a referendum vote of the people.
- 2. **By Petition.** Anytime the legislature enacts a statute the people may petition to refer such statute to a vote of the people.

In addition, if petitioners desire to render an enacted statute inoperative pending a vote, a referendum petition requiring a greater number of signatures is required. If so suspended, the act shall become operative only after it is approved at an election.

Referendum petitions must be filed no later than six months after the adjournment of the legislature which passed the act.

C. Constitutional Amendment. A constitutional amendment is a proposal originated by either the legislature or the people to change the constitution.

1. **By the Legislature.** Amendments may be proposed by any member of the legislature. They must be adopted by an affirmative roll call vote of two-thirds of all the members in order to be submitted to the qualified electors.

2. **By petition.** Amendments may be proposed by initiative. If the petitions are signed by the required number of electors, the proposed amendment shall be submitted to the qualified electors.

D. Constitutional Convention. A question on whether to hold an unlimited constitutional convention to revise, alter, or amend the constitution may be originated by either the legislature or the people.

1. **By the Legislature.** The legislature by an affirmative vote of two-thirds of all the members may at any time submit to the qualified electors the question of whether there shall be a constitutional convention.

2. **By Petition.** The people may, by petition direct the secretary of state to submit to the qualified electors the question of whether there shall be a constitutional convention.

III. NUMBER OF SIGNATURES REQUIRED

A. Initiative and Referendum: Total 18,024

The petition shall be signed by at least five (5%) percent of the qualified electors in each of at least one-third (34) of the legislative districts as they were in 1980--before reapportionment. The number of qualified electors required in each legislative representative district and in the state shall be determined by the number of votes cast for the office of governor in 1980. (See Chart pages 15-17)

B. Referendum to render an enacted statute inoperative: An act referred to the people is in effect until suspended by petitions signed by

at least fifteen (15%) percent of the qualified electors in a majority of the legislative representative districts (51). (See Chart pages 15-17)

- C. **Constitutional initiative for amendment or calling a constitutional convention.** Total 36,047 The petition shall be signed by at least ten (10%) percent of the qualified electors in each of two-fifths of the legislative districts as they were constructed in 1980. The number of qualified electors required for the filing of any petition for constitutional amendment or to call a constitutional convention shall be determined by the number of votes cast for the office of governor in 1980. (See Chart pages 15-17)

IV. WHEN ELECTION HELD

- A. With certain exceptions, elections on all types of ballot measures proposed by petition must be held with a statewide general election. Check the constitution and statutory references listed for specific provisions.

V. REQUIREMENTS - CONTENTS

- A. Petition sheets **may not exceed 8 1/2 x 14 inches** in size. Separate sheets of a petition may be fastened in sections of **not more than 25 sheets.**

- B. At the top of the petition must appear the statement:

PETITION TO PLACE _____ NO. _____ ON THE
NOVEMBER 6, 1984 ELECTION BALLOT

- C. A statement of the percentage of voters in the number of legislative representative districts required and the total number of signatures, must appear near the top of the petition sheet.

- D. An addressing statement must appear on the face of the petition as follows:

We, the undersigned Montana voters, propose that the secretary of state place the following measure on the **November 6, 1984** general election ballot:

- E. A space for the title of the statute or constitutional amendment proposed or the measure to be referred or a statement that the petition is for the purpose of calling a constitutional

convention, written pursuant to 13-27-312, Montana Code Annotated must appear on the face of the petition.

If the signature lines are printed on both the front and back of the petition (sheet), the title space must appear on both the front and back of the sheet.

- F. A space for the statements of implication written pursuant to 13-27-312, Montana Code Annotated must immediately follow the title space.
- G. Following the space for the statements of implication, there must be a statement urging voters to read the complete text and a notification that a signature is only to place the measure on the ballot and does not necessarily mean the signer agrees with the measure.
- H. The Punishment Warning shall appear last above the numbered signature lines.
- I. The petition must contain numbered lines with indicated spaces for each registered voter's:
 - 1. signature,
 - 2. post office address,
 - 3. legislative representative district number, and
 - 4. printed last name of signer.
- J. The complete text of the measure proposed or referred must be attached to or be contained within each signature sheet, if sheets are circulated separately. If the sheets are circulated in sections, the complete text of the measure must be attached to each section.

VI. SUBMISSION OF TEXT FOR REVIEW AND RECOMMENDATIONS (as amended, 1983)

- A. Before submission of the proposed petition to the secretary of state, the text of the measure must be submitted to the legislative council for review. The council staff shall review the text as required.

Within 14 days after submission, the council staff shall make recommendations for changes in the text or a statement that no changes are recommended. The person submitting the text shall consider the recommendations and respond in writing to the

council, accepting, rejecting, or modifying each recommended change. If no changes are recommended, no response is required.

The legislative council shall furnish a copy of this correspondence to the secretary of state, who shall make a copy available to any person on request.

VII. SUBMISSION OF SAMPLE FORM FOR APPROVAL

A. Before a petition may be circulated for signatures, a sample sheet containing the text of the proposed measure must be submitted to the secretary of state in the form in which it will be circulated. The sample petition may not be submitted to the secretary of state more than 1 year prior to the final date for filing the signed petition with the secretary of state (**July 12, 1983**).

B. The secretary of state shall refer a copy of the petition to the attorney general for his approval. The secretary of state and attorney general must each review the petition for sufficiency as to form and approve or reject the form of the petition stating the reasons for rejection, if any.

If the sample petition form is rejected as to form by the attorney general, he shall forward his comments to the secretary of state **within 10 days** after receipt of the petition.

C. The secretary of state shall send written notice to the person who submitted the petition sheet of the **approval within 28 days** after submission. The secretary of state shall send written notice if the petition has been rejected together with reasons for **rejection within 14 days** after submission.

D. If the sample form is approved, the attorney general shall seek out parties on both sides of the issue and obtain their advice. The attorney general may appoint a five-member committee to recommend the statement of purpose and the statement of the implications of the measure. The committee shall, within 14 days of the appointment, meet and recommend:

1. a statement, not to exceed **100 words**, explaining the purpose of the measure;

2. statements, not to exceed **25 words** each, explaining implications of a vote for and a vote against the measure.

These statements must be forwarded to the secretary of state within **21** days after the attorney general receives the petition.

- E. The attorney general may accept, reject, or modify the statements recommended by the committee. If the committee is unable to recommend one or both statements, the attorney general shall prepare the statements. The statement prepared is the petition title for the measure circulated by the petition and the ballot title if the measure is placed on the ballot. The statements of implication prepared are the statements to be used on the petition and the ballot if the measure is placed on the ballot.
- F. The attorney general shall order a fiscal note if the proposed ballot issue has an effect on the revenues, expenditures, or the fiscal liability of the state. The budget director, in cooperation with the agency or agencies affected by the petition, is responsible for preparing the fiscal note.

If a fiscal note is prepared for the proposed ballot issue, the attorney general shall prepare a fiscal statement which is to be used on the petition and ballot if the measure is placed on the ballot.

- G. If the petition form is approved, a printed sample copy of the petition to be circulated, containing the title and implication of the vote statements as prepared by the attorney general, must be placed on file with the secretary of state.

VIII. TIME FOR SUBMISSION AND FILING

A. Submission to COUNTY OFFICIALS for certification:

1. **Constitutional Amendments and Statutory Initiatives.** Signed sheets or sections of petitions shall be submitted **no sooner than 9 months (October 13, 1983)** and **no later than 2 weeks (June 29, 1984)** before the final date for filing the petition with the secretary of state.
2. **Referendum Petitions.** Signed sheets or sections of petitions shall be submitted no later than **October 7, 1983.**

B. Filing with SECRETARY OF STATE:

1. Certified sheets or sections of petitions for constitutional amendments or statutory initiatives must be forwarded by the county election administrator for filing with the secretary of state before **5:00 p.m.** of the second Friday of the fourth month prior to the election at which the measure is to be voted on (**July 13, 1984**).
2. Certified sheets or sections of petitions for referendum must be forwarded by the county election administrator for filing with the secretary of state no later than six months after adjournment of the Legislature which passed the act (**October 21, 1983**).

IX. WITHDRAWAL OF SIGNATURES

- A. Signers of a petition may withdraw their own names up to the time petitions are certified to the governor. Method of withdrawal is by petition following the same procedure as the original petition.

X. CERTIFICATION TO GOVERNOR

- A. When sheets or sections of a petition containing a sufficient number of signatures have been filed with the secretary of state, he shall immediately certify to the governor that the petition has qualified for the ballot.

XI. CANVASS OF VOTES CAST

- A. No later than 3 days after the election, each county board of canvassers shall canvass the votes cast for each ballot issue. The results of the canvass are certified to the secretary of state to be canvassed by the board of state canvassers within 20 days after the election.

XII. EFFECTIVE DATES

- A. Unless the petition states otherwise, a statutory initiative approved by the people is effective on **October 1** following approval. However, if the measure delegates rulemaking authority it is effective no sooner than **October 1** following approval.
- B. Unless the legislature provides otherwise, a constitutional amendment proposed by the

legislature and approved by the people is effective on **July 1** following approval.

C. Unless the amendment provides otherwise, a constitutional amendment by initiative approved by the people is effective **July 1** following approval.

D. Unless specifically provided by the legislature in an act referred by it to the people, or unless suspended as provided by law, an act referred to the people is in effect as provided by law until it is approved or rejected at the election.

1. An act that is rejected is repealed effective the date the result of the canvass is filed by the secretary of state under Section 13-27-503, MCA.

2. An act referred to the people that was in effect at the time of the election and is approved by the people remains in effect.

3. An act that was suspended by a petition and is approved by the people is effective the date the result of the canvass is filed by the secretary of state under Section 13-27-503, MCA.

4. An act referred by the legislature that contains an effective date following the election becomes effective on that date if approved by the people.

5. An act that provides no effective date and whose substantive provisions were delayed by the legislature pending approval at an election and that is approved is effective October 1 following the election.

STATUTORY & CONSTITUTIONAL REFERENCES

I. WHO MAY PETITION

- A.
Article III, Sections 4 and 5,
Montana State Constitution
Article IV, Section 2,
Montana State Constitution
Sections 13-27-102 and 103,
Montana Code Annotated

II. TYPES OF BALLOT ISSUES

- A.
Article III, Section 4,
Montana Constitution
Section 13-27-101 thru 13-27-106, and
13-27-205, MCA
- B.
Article III, Section 5,
Montana State Constitution
Section 13-27-101 thru 13-27-106, and
13-27-205, MCA
- C.
Article XIV, Sections 8 and 9,
Montana State Constitution
- D.
Article XIV, Sections 1 and 2,
Montana State Constitution
Section 13-27-206, MCA

III. NUMBER OF SIGNATURES REQUIRED

- A., B. and C.
Article III, Sections 4, 5 and 7,
Montana State Constitution
Article XIV, Sections 2, 9 and 10,
Montana State Constitution
Section 13-27-303(2),
Montana Code Annotated
(enacted 1983)

IV. WHEN ELECTION HELD

- A.
Article III, Section 6,
Montana State Constitution
Article XIV, Sections 1, 2, 8 and 9,
Montana State Constitution
Section 13-1-101(8) (amended 1983)

V. REQUIREMENTS - CONTENTS

A.

Section 13-27-201,
Montana Code Annotated

B., C., D., E., F., G., H., and I.

Sections 13-27-202, 13-27-204 thru 207,
Montana Code Annotated

J.

Section 13-27-201,
Montana Code Annotated

**VI. SUBMISSION OF TEXT FOR REVIEW AND
RECOMMENDATIONS**

A.

Section 13-27-202,
Montana Code Annotated

VII. SUBMISSION OF SAMPLE FORM FOR APPROVAL

A., B., C., D., E., and F.

Sections 13-27-202, 13-27-302, 13-27-312,
Montana Code Annotated

G.

Section 13-27-316,
Montana Code Annotated

VIII. TIME FOR SUBMISSION AND FILING

A.

Article III, Section 4,
Montana State Constitution
Article XIV, Sections 2 and 9,
Montana State Constitution
Sections 13-27-301,
Montana Code Annotated

B.

Section 13-27-104,
Montana Code Annotated

IX. WITHDRAWAL OF SIGNATURES

A.

Ford vs. Mitchell, 103 Mont. 99,
and State ex rel.
O'Connell vs. Mitchell, 111 Mont. 94

X. CERTIFICATION TO GOVERNOR

- A.
Sections 13-27-308 thru 310,
Montana Code Annotated

XI. CANVASS OF VOTES CAST

- A.
Sections 13-15-401 thru 13-15-406
Sections 13-15-501 thru 13-15-501

XII. EFFECTIVE DATES

- A., B. and C.
Section 13-27-105,
Montana Code Annotated, as amended 1983
- D.
Article XIV, Section 9,
Montana State Constitution

BASIS FOR FILING INITIATIVE AND REFERENDUM MEASURES
 UNDER ARTICLE III, SECTIONS 4, 5 AND 7 AND
 ARTICLE XIV, SECTIONS 2, 9 AND 10
 MONTANA STATE CONSTITUTION
 AND
 SECTION 13-27-303(2), MONTANA CODE ANNOTATED

Legislative Representative District - 1980	Total Vote Cast for Governor - 1980	5%(1)	10%(2)	15%(3)
1	3,605	181	361	541
2	2,955	148	296	444
3	3,169	159	317	476
4	3,076	154	308	462
5	3,518	176	352	528
6	3,003	151	301	451
7	3,387	170	339	509
8	2,859	143	286	429
9	3,113	156	312	467
10	3,589	180	359	539
11	4,244	213	425	637
12	3,864	194	387	580
13	3,284	165	329	493
14	2,475	124	248	372
15	3,604	181	361	541
16	5,067	254	507	760
17	4,228	212	423	635
18	4,191	210	420	629
19	4,347	218	435	652
20	3,676	184	368	552
21	2,769	139	277	416
22	3,018	151	302	453
23	3,970	199	397	596
24	4,893	245	490	734
25	3,711	186	372	557
26	4,827	242	483	724
27	4,151	208	416	623
28	2,847	143	285	427
29	5,689	285	569	854
30	4,239	212	424	636
31	2,971	149	298	446
32	4,349	218	435	653
33	3,636	182	364	546
34	2,544	128	255	382
35	2,755	138	276	414
36	3,053	153	306	458
37	1,709	86	171	257
38	2,465	124	247	370
39	2,168	109	217	326
40	2,997	150	300	450
41	3,248	163	325	488
42	2,593	130	260	389
43	208	11	21	32
44	3,421	171	343	514
45	3,662	184	367	550
46	4,003	201	401	601
47	4,041	202	405	607

Legislative Representative District - 1980	Total Vote Cast for Governor - 1980	5%(1)	10%(2)	15%(3)
48	3,883	195	389	583
49	3,379	169	338	507
50	3,984	200	399	598
51	2,949	148	295	443
52	3,920	196	392	588
53	3,491	175	350	524
54	3,828	192	383	575
55	2,836	142	284	426
56	3,246	163	325	487
57	2,692	135	270	404
58	2,694	135	270	405
59	4,611	231	462	692
60	6,023	302	603	904
61	2,103	106	211	316
62	2,264	114	227	340
63	3,378	169	338	507
64	5,726	287	573	859
65	3,563	179	357	535
66	3,271	164	328	491
67	3,728	187	373	560
68	3,553	178	356	533
69	2,875	144	288	432
70	4,499	225	450	675
71	4,371	219	438	656
72	4,841	242	485	727
73	4,542	228	455	682
74	3,484	175	349	523
75	5,857	293	586	879
76	4,830	242	483	725
77	3,307	166	331	496
78	3,331	167	334	500
79	4,765	239	477	715
80	5,060	253	506	759
81	4,107	206	411	616
82	3,087	155	309	463
83	4,612	231	462	692
84	2,922	147	293	439
85	3,385	170	339	508
86	2,561	128	257	385
87	2,955	148	296	444
88	2,574	129	258	387
89	1,950	98	195	293
90	2,774	139	278	417
91	5,160	258	516	774
92	6,199	310	620	930
93	4,601	230	461	691
94	2,893	145	290	434
95	4,044	203	405	607
96	3,211	161	322	482

Legislative Representative District - 1980	Total Vote Cast for Governor - 1980	5%(1)	10%(2)	15%(3)
--	---	-------	--------	--------

97	2,790	140	279	419
98	3,582	180	359	538
99	4,468	224	447	671
100	<u>4,516</u>	<u>226</u>	<u>452</u>	<u>678</u>

TOTAL NUMBER
REQUIRED

360,466

*18,024

*36,047

(1) To initiate a referendum on enacted statutes or to initiate new laws. Signatures of at least 5 percent of the qualified electors in each of at least one-third of the legislative representative districts (34 districts).

(2) To initiate a constitutional amendment or call a constitutional convention. Signatures of at least 10 percent of the qualified electors in each of at least two-fifths of the legislative representative districts (40 districts).

*** (3) To render inoperative an enacted statute. Signatures of at least 15 percent of the qualified electors in a majority of the legislative representative districts (51 districts).

* NOTE: Totals do not total to column entries since fractions have been rounded to the next whole number.

TITLE 13

CHAPTER 27

BALLOT ISSUES

(as amended, 1983)

Part 1 -- General Provisions

Section

- 13-27-101. Establishment of initiative and referendum procedures.
- 13-27-102. Who may petition.
- 13-27-103. Sufficiency of signature.
- 13-27-104. Time for filing.
- 13-27-105. Effective date of initiative and referendum issues.
- 13-27-106. Violations -- penalties.

Part 2 -- Form of Petitions

- 13-27-201. Form of petition generally.
- 13-27-202. Recommendations -- approval of form required.
- 13-27-203. Numbering of petitions.
- 13-27-204. Petition for the initiative.
- 13-27-205. Petition for the referendum.
- 13-27-206. Petition for initiative for constitutional convention.
- 13-27-207. Petition for initiative for constitutional amendment.

Part 3 -- Submission and Processing of Petitions

- 13-27-301. Submission of petition sheets.
- 13-27-302. Certification of signatures.
- 13-27-303. Verification of signatures by county official.
- 13-27-304. County official to forward verified sheets.
- 13-27-305. Retention of copies by county official.
- 13-27-306. Challenge to signatures by elector of county.
- 13-27-307. Consideration and tabulation of signatures by secretary of state.
- 13-27-308. Certification of petition to governor.
- 13-27-309. Repealed. Sec. 195, Ch. 575, L. 1981.
- 13-27-310. Transmittal of issues referred by the legislature and ballot forms to the attorney general.
- 13-27-311. Publication of proposed constitutional amendments.
- 13-27-312. Review of petition by attorney general -- preparation of statements -- fiscal note.
- 13-27-313. Review of ballot forms by attorney general.
- 13-27-314. Repealed. Sec. 19, Ch. 400, L. 1979.
- 13-27-315. Statements by attorney general on issues referred by legislature.
- 13-27-316. Court review of attorney general statements.

Part 4 -- Voter Information Pamphlets

- 13-27-401. Voter information pamphlet.
- 13-27-402. Committees to prepare arguments for and against ballot issues.
- 13-27-403. Appointment to committee.
- 13-27-404. Committee chairman.
- 13-27-405. Committee expenses.
- 13-27-406. Limitation on length of argument -- time of filing.
- 13-27-407. Rebuttal arguments.
- 13-27-408. Rejection of improper arguments.
- 13-27-409. Liability for contents of argument.
- 13-27-410. Printing and distribution of voter information pamphlet.

Part 5 -- Election Procedure

- 13-27-501. Secretary of state to certify ballot form.
- 13-27-502. Preparation of ballots by county officials.
- 13-27-503. Determination of result of election.
- 13-27-504. Copy of approved issues to be sent to legislative council.

- - - - -

Part 1

General Provisions

13-27-101. **Establishment of initiative and referendum procedures.** The right of the people to petition to enact laws by initiative, to petition to approve or reject by referendum any act of the legislature except an appropriation of money, to call for a vote on whether there shall be a constitutional convention, and to propose constitutional amendments by initiative as guaranteed by The Constitution of the State of Montana may be exercised through adherence to the procedures established in this chapter.

13-27-102. **Who may petition.** A petition for the initiative, the referendum, or to call a constitutional convention may be signed only by a qualified elector of the state of Montana.

13-27-103. **Sufficiency of signature.** A signature may not be counted unless the elector has signed in substantially the same manner as on the voter registry card. If the elector is registered with a first and middle name, the use of an initial instead of either the first or middle name, but not both names, need not disqualify the signature. The signature may be counted

so long as the signature, taken as a whole, bears sufficient similarity to the signature on the registry card as to provide reasonable certainty of its authenticity.

13-27-104. Time for filing. Unless a specific time for filing is provided in the constitution, all petitions filed with the secretary of state, certified as provided by law, **must be received before 5 p.m. of the second Friday of the fourth month prior to the election at which they are to be voted upon by the people.**

13-27-105. Effective date of initiative and referendum issues.

(1) Unless the petition placing an initiative issue on the ballot states otherwise, an initiative issue, other than a constitutional amendment, approved by the people is effective on October 1 following approval. However, if the issue delegates rulemaking authority, it is effective no sooner than October 1 following approval.

(2) A constitutional amendment proposed by initiative or by the legislature and approved by the people is effective on July 1 following approval.

(3) Unless specifically provided by the legislature in an act referred by it to the people or until suspended by a petition signed by at least 15% of the qualified electors in a majority of the legislative representative districts, an act referred to the people is in effect as provided by law until it is approved or rejected at the election. An act that is rejected is repealed effective the date the result of the canvass is filed by the secretary of state under 13-27-503. An act referred to the people that was in effect at the time of the election and is approved by the people remains in effect. An act that was suspended by a petition and is approved by the people is effective the date the result of the canvass is filed by the secretary of state under 13-27-503. An act referred by the legislature that contains an effective date following the election becomes effective on that date if approved by the people. An act that provides no effective date and whose substantive provisions were delayed by the legislature pending approval at an election and that is approved is effective October 1 following the election.

13-27-106. Violations -- penalties. A person who knowingly makes a false entry upon a petition or affidavit required by this chapter or who knowingly signs a petition to place the same issue on the ballot at the same election more than once is guilty of unsworn falsification or tampering with public records or information, as appropriate, and is punishable as provided in 45-7-203 or 45-7-208, as applicable.

Part 2

Form of Petition

13-27-201. **Form of petition generally.** (1) A petition for the initiative, the referendum, or to call a constitutional convention must be substantially in the form provided by this chapter. Clerical or technical errors that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition void.

(2) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines must be printed the title of the statute or constitutional amendment proposed or the measure to be referred or a statement that the petition is for the purpose of calling a constitutional convention. If signature lines are printed on both the front and back of a petition sheet, the information required above must appear on both the front and back of the sheet. The complete text of the measure proposed or referred must be attached to or contained within each signature sheet if sheets are circulated separately. The text of the measure must be in the bill form provided in the most recent issue of the bill drafting manual furnished by the legislative council. If sheets are circulated in sections, the complete text of the measure must be attached to each section.

13-27-202. **Recommendations -- approval of form required.** (1) Before submission of a sample sheet to the secretary of state pursuant to subsection (3), the following requirements must be fulfilled:

(a) The text of the proposed measure must be submitted to the legislative council for review.

(b) The council staff shall review the text for clarity, consistency, and any other factors the council staff considers when drafting proposed legislation.

(c) Within 14 days after submission of the text, the council staff shall make to the person submitting the text written recommendations for changes in the text or a statement that no changes are recommended.

(d) The person submitting the text shall consider any such recommendations and respond in writing to the council, accepting, rejecting, or modifying each of the recommended changes. If no changes are recommended, no response is required.

(2) The legislative council shall furnish a copy of the correspondence provided for in subsection (1) to the secretary of state, who shall make a copy thereof available to any person upon request.

(3) Before a petition may be circulated for signatures, a sample sheet containing the text of the proposed measure must be submitted to the secretary of state in the form in which it will be circulated. The sample petition may not be submitted to the secretary of state more than 1 year prior to the final date for

filing the signed petition with the secretary of state. The secretary of state shall refer a copy of the petition sheet to the attorney general for his approval. The secretary of state and attorney general must each review the petition for sufficiency as to form and approve or reject the form of the petition, stating the reasons for rejection, if any.

(4) The secretary of state shall review the comments and statements of the attorney general received pursuant to 13-27-312 and make a final decision as to the approval or rejection of the form of the petition. The secretary of state shall send written notice to the person who submitted the petition sheet of the approval within 28 days after submission of the petition sheet. The secretary of state shall send written notice if the petition has been rejected together with reasons for rejection within 14 days after submission of the petition sheet.

13-27-203. Numbering of petitions. The secretary of state shall serially number all submitted petitions that are approved as to form continuously from year to year. The numbering system shall distinguish the different types of petitions received and include provisions for numbering measures referred to the people by the legislature.

13-27-204. Petition for the initiative. (1) The following is substantially the form for a petition calling for a vote to enact a law by the initiative:

PETITION TO PLACE
INITIATIVE NO. _____ ON
THE ELECTION BALLOT

(a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing this petition is, this measure will appear on the next general election ballot. If a majority of voters vote for this measure at that election, it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following measure on the, 19..., general election ballot:

(Title of measure written pursuant to 13-27-312)

(Statement of implication written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(d)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

13-27-205. **Petition for the referendum.** (1) The following is substantially the form for a petition calling for approval or rejection of an act of the legislature by the referendum:

PETITION TO PLACE REFERENDUM NO. _____
ON THE ELECTION BALLOT

(a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing the petition is, Senate (House) Bill Number will appear on the next general election ballot. If a majority of voters vote for this measure at that election it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following Senate (House) Bill Number, passed by the legislature on on the next general election ballot:

(Title of referendum written pursuant to 13-27-312)

(Statement of implication written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(d)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card, or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

13-27-206. **Petition for initiative for constitutional convention.** (1) The following is substantially the form for a petition to direct the secretary of state to submit to the qualified voters the question of whether there shall be a constitutional convention:

PETITION TO PLACE
INITIATIVE NO. _____, CALLING FOR
A CONSTITUTIONAL CONVENTION, ON
THE ELECTION BALLOT

(a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing this petition is....., the question of whether to have a constitutional convention will appear on the next general election ballot. If a majority of voters vote for the constitutional convention the legislature will call for a constitutional convention at its next session.

(b) We, the undersigned Montana voters, propose that the secretary of state place the question of whether to hold a constitutional convention on the, 19..., general election ballot:

(Title of the initiative written pursuant to 13-27-312)

(Statement of implication written pursuant to 13-27-312)

(c) A signature on this petition is only to put the call for a constitutional convention on the ballot and does not necessarily mean the signer is in favor of calling a constitutional convention.

(d)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine or 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card, or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

13-27-207. Petition for initiative for constitutional amendment.

(1) The following is substantially the form for a petition for the initiative to amend the constitution:

PETITION TO PLACE CONSTITUTIONAL
AMENDMENT NO. _____ ON
THE ELECTION BALLOT

(a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing the petition is, this constitutional amendment will appear on the next general election ballot. If a majority of voters vote for this amendment at that election, it will become part of the constitution.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following constitutional amendment on the , 19....., general election ballot:

(Title of the proposed constitutional amendment
written pursuant to 13-27-312)

(Statement of implication written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the constitutional amendment on the ballot and does not necessarily mean the signer agrees with the amendment.

(d)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

Part 3

Submission and Processing of Petitions

13-27-301. **Submission of petition sheets.** Signed sheets or sections of petitions shall be submitted to the official responsible for registration of electors in the county in which the signatures were obtained no sooner than 9 months and no later than 2 weeks before the final date for filing the petition with the secretary of state.

13-27-302. **Certification of signatures.** An affidavit, in substantially the following form, shall be attached to each sheet or section submitted to the county official:

I, (Name of person who circulated this petition), affirm, or being first sworn, depose and say: that I circulated or assisted in circulating the petition to which this affidavit is attached and I believe the signatures thereon are genuine, are the signatures of the persons whose names they purport to be, are the signatures of Montana electors who are registered at the address following their signature, and that the signers knew the contents of the petition before signing the same.

.....
(Signature of petition circulator)

.....
(Address of petition circulator)

Subscribed and sworn to before me this day of, 19...

Seal
(Person authorized to take oaths)

.....
(Title of notarial information)

13-27-303. **Verification of signatures by county official.** (1) The county official receiving the sheets or sections of a petition shall check the names of all signers to verify they are registered electors of the county. In addition, the official shall randomly select signatures on each sheet or section and compare them with the signatures of the electors as they appear in the registration records of the office. If all randomly selected signatures appear to be genuine, the number of signatures of registered electors on the sheet or section may be certified to the secretary of state without further comparison of signatures. If any of the randomly selected signatures do not appear to be genuine, all signatures on that sheet or section must be compared with the signatures in the registration records of the office.

(2) For the purpose of allocating the signatures of voters among the several legislative representative districts of the state as required to certify a petition for a ballot issue under provisions of Title 13, Chapter 27, following the filing of a districting and apportionment plan under 5-1-111 and before members of the house of representatives have been elected and qualified under the plan, the legislative representative districts among which the signatures must be allocated must be those in existence when the plan was filed.

13-27-304. **County official to forward verified sheets.** The county official verifying the number of registered electors signing the petition shall forward it to the secretary of state by certified mail with a certificate in substantially the following form attached:

To the Honorable, Secretary of State of the state of Montana:

I,, (title) of the County of, certify that I have examined the attached (section containing sheets) or (.... sheets) of the petition for (referendum, initiative, constitutional convention, or constitutional amendment) No. in the manner prescribed by law; and I believe that (number) signatures in Legislative Representative District No. (repeat for each district included in sheet or section) are valid; and I further certify that the affidavit of the circulator of the (sheet) (section) of the petition is attached and the post-office address and legislative representative district number is completed for each valid signature.

Signed: (Date)(Signature)
Seal(Title)

13-27-305. **Retention of copies by county official.** The county official certifying the sheets or sections of a petition shall keep a copy of the sheets or sections certified in the official files of his office. The copies may be destroyed 3 months after the date of the election specified in the petition unless a court action is pending on the sufficiency of the petition.

27

13-27-309. Repealed. Sec. 195, Ch. 575. L. 1981.

13-27-310. Transmittal of issues referred by the legislature and ballot forms to the attorney general. (1) The secretary of state shall transmit a copy of the form in which a ballot issue proposed by petition will appear on the ballot to the attorney general on the same day the completed petition is certified to the governor.

(2) The secretary of state shall transmit a copy of an act referred to the people or a constitutional amendment proposed by the legislature and a copy of the form in which the issue will appear on the ballot to the attorney general no later than 6 months before the election at which the issue will be voted on by the people.

(3) If the ballot form is not approved by the attorney general pursuant to 13-27-313, the secretary of state shall immediately submit a new ballot form to the attorney general.

13-27-311. Publication of proposed constitutional amendments.

(1) If a proposed constitutional amendment or amendments are submitted to the people, the secretary of state shall have the proposed amendment or amendments published in full twice each month for 2 months previous to the election at which they are to be voted upon by the people, in not less than one newspaper of general circulation in each county.

(2) The secretary of state may arrange for newspaper, radio, or television publication of proposed constitutional amendments in each county. A summary of the amendment as provided by the attorney general, as described in 13-27-312 or 13-27-315, would suffice for the publication required by this section and should be made at least twice each month for 2 months previous to the election.

13-27-312. Review of petition by attorney general -- preparation of statements -- fiscal note. (1) Upon receipt of a petition from the office of the secretary of state pursuant to 13-27-202, the attorney general shall examine the petition as to form and, if the proposed ballot issue has an effect on the revenues, expenditures, or the fiscal liability of the state, shall order a fiscal note incorporating an estimate of such effect, the substance of which must substantially comply with the provisions of 5-4-205. The budget director, in cooperation with the agency or agencies affected by the petition, is responsible for preparing the fiscal note and shall return it within 6 days unless the attorney general, for good cause shown, extends the time for completing the fiscal note. If the petition form is approved, the attorney general shall endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general may, if he deems it necessary, appoint a five-member committee to recommend the statement of purpose and the statement of the implications of the measure. The committee shall consist of two persons known to oppose the measure, and one representative of the attorney general's office who is the chairman. The committee shall, within 14 days of appointment, meet and recommend by a vote of a majority of the committee:

(a) a statement, not to exceed 100 words, explaining the purpose of the measure; and

(b) statements, not to exceed 25 words each, explaining the implications of a vote for and a vote against the measure.

(2) The attorney general may accept, reject, or modify the statements recommended by the committee. If the committee is unable to recommend one or both statements, the attorney general shall prepare the statements.

[(3) The attorney general shall prepare a fiscal statement of no more than 50 words if a fiscal note was prepared for the proposed ballot issue, such statement to be used on the petition and ballot if the measure is placed on the ballot.]

(4) The statement of purpose and the statements of implication must express the true and impartial explanation of the proposed ballot issue in plain, easily understood language and may not be arguments or written so as to create prejudice for or against the measure.

(5) The statement of purpose prepared pursuant to subsection (1) or (2), unless altered by a court under 13-27-316, is the petition title for the measure circulated by the petition and the ballot title if the measure is placed on the ballot.

(6) The statements of implication shall be placed beside the diagram provided for marking the ballot in a manner similar to the following example:

[] FOR extending the right to vote to persons 18 years of age

[] AGAINST extending the right to vote to persons 18 years of age

(7) If the petition is rejected as to form, the attorney general shall forward his comments to the secretary of state within 10 days after receipt of the petition by the attorney general. If the petition is approved as to form, the attorney general shall forward the statement of purpose, the statements of implication, and the fiscal statement if applicable to the secretary of state within 21 days after receipt of the petition by the attorney general.

13-27-313. Review of ballot forms by attorney general. The attorney general shall examine each ballot form submitted to his office pursuant to 13-27-310 and within 20 days of receipt of the ballot form shall notify the secretary of state of his approval or rejection of the ballot form. If the ballot form is rejected, the attorney general shall approve or reject a new ballot form submitted by the secretary of state pursuant to 13-27-310(3) within 5 days of receiving the new form.

13-27-314. Repealed. Sec. 19, Ch. 400, L. 1979.

13-27-315. Statements by attorney general on issues referred by legislature. (1) Upon receipt of a copy of a ballot form under 13-27-310(2) for an issue proposed by the legislature, the attorney general shall order a fiscal note as provided in 13-27-312(1) if the issue has an effect on the revenues,

expenditures, or the fiscal liability of the state. At the same time the explanatory statement is prepared under subsection (2), the attorney general shall prepare a fiscal statement of no more than 50 words to be forwarded to the secretary of state at the same time as the explanatory statement.

(2) At the same time the attorney general, pursuant to 13-27-313, informs the secretary of state of the approval or rejection of a ballot form for an issue proposed by the legislature, the attorney general shall forward to the secretary of state a statement, not exceeding 100 words, expressing a true and impartial explanation of the purpose of the measure in plain, easily understood language. The statement may not be an argument and may not be written to create a prejudice for or against the issue. The statement prepared under this section is known as the attorney general's explanatory statement.

(3) If statements of the implication of a vote for or against a ballot issue have not been provided by the legislature, the attorney general shall prepare the statements. Requirements for statements of implication for ballot issues referred by the legislature are the same as those provided in 13-27-312 for other ballot issues. Statements of implication prepared by the attorney general must be returned to the secretary of state no later than the time specified for approval of the ballot form.

13-27-316. Court review of attorney general statements. (1) If the proponents of a ballot measure believe that the statement of purpose, the statements of implication of a vote, or the fiscal statement formulated by the attorney general pursuant to 13-27-312 do not satisfy the requirements of 13-27-312, they may, within 10 days of receipt of the notice from the secretary of state provided for in 13-27-202, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement.

(2) If the opponents of a ballot measure believe that the statements of purpose, the statements of implication of a vote, or the fiscal statement formulated by the attorney general pursuant to 13-27-312 do not satisfy the requirements of 13-27-312, they may, within 10 days of the date of certification to the governor that the completed petition has been officially filed, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement.

(3) (a) Notice shall be served upon the secretary of state and upon the attorney general. The action takes precedence over other cases and matters in the district court. The court shall examine the proposed measure and the challenged statement and shall as soon as possible render a decision and certify to the secretary of state a statement which the court determines will meet the requirements of 13-27-312.

(b) A statement certified by the court shall be placed on the petition for circulation and on the official ballot.

(4) A copy of the petition in final form must be filed in the office of the secretary of state by the proponents.

Montana supreme court by filing a notice of appeal within 5 days of the date of the order of the district court.

Part 4

Voter Information Pamphlet

13-27-401. **Voter information pamphlet.** (1) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for each ballot issue to be voted on at an election, as applicable:

- (a) ballot title, fiscal statement if applicable, and complete text of the issue;
- (b) the form in which the issue will appear on the ballot;
- (c) arguments advocating approval and rejection of the issue; and
- (d) rebuttal arguments.

(2) The pamphlet shall also contain a notice advising the recipient where additional copies of the pamphlet may be obtained.

(3) Whenever more than one ballot issue is to be voted on at a single election, the secretary of state may publish a single pamphlet for all of the ballot issues. The secretary of state may arrange the information in the order which seems most appropriate, but the information for all issues in the pamphlet shall be presented in the same order.

13-27-402. **Committees to prepare arguments for and against ballot issues.** (1) The arguments advocating approval or rejection of the ballot issue and rebuttal arguments shall be submitted to the secretary of state by committees appointed as provided in this section:

(a) The committee advocating approval of an act referred to the people or a constitutional amendment proposed by the legislature or an act referred to the people by referendum petition shall be composed of one senator known to favor the measure, appointed by the president of the senate; one representative known to favor the measure, appointed by the speaker of the house of representatives; and one individual who need not be a member of the legislature, appointed by the first two members.

(b) The committee advocating rejection of a ballot issue referred to the people or proposed by the legislature shall be composed of one senator appointed by the president of the senate; one representative appointed by the speaker of the house of representatives; and one individual who need not be a member of the legislature, appointed by the first two members. Whenever possible, the members shall be known to have opposed the issue.

(c) A three-member committee advocating approval of a ballot issue proposed by any type of initiative petition or advocating rejection of any ballot issue that is a legislative act referred to the people by referendum petition shall be appointed by the person submitting the petition to the secretary of state under the provisions of 13-27-202.

(d) A committee advocating rejection of a ballot issue

(d) A committee advocating rejection of a ballot issue proposed by any type of initiative petition shall be composed of five members. The governor, attorney general, president of the senate, and speaker of the house of representatives shall each appoint one member, and the fifth member shall be appointed by the first four members. All members shall be known to favor rejection of the issue.

(2) No person may be required to serve on any committee under this section.

13-27-403. **Appointment to committee.** (1) Appointments to committees advocating approval or rejection of an act referred to the people or a constitutional amendment proposed by the legislature shall be made no later than 4 months before the election at which the ballot issue will be voted on by the people. All persons responsible for appointing members to such committees shall submit to the secretary of state the names and addresses of three prospective appointees for each position, set forth in the order of preference of appointment, no later than 3 weeks before the deadline for making such appointments.

(2) Appointments to committees advocating approval or rejection of a ballot measure referred to the people by referendum petition or proposed by any type of initiative petition shall be made no later than 10 days after the measure is certified to the governor. All persons responsible for appointing members to the committee shall submit to the secretary of state the names and addresses of two prospective appointees for each position, set forth in the order of preference of appointment, no later than 2 weeks after the final date for filing the petition in accordance with 13-27-301.

(3) All prospective appointees to a committee pursuant to subsection (1) must be notified by the secretary of state by certified mail, with return receipt requested, at least 15 days before the appointment deadline specified in subsection (1). A prospective appointee may assent or decline to serve on the committee by so informing the secretary of state. Lack of response to the secretary of state for any reason 10 days after mailing of notice is considered to be refusal of appointment.

(4) All prospective appointees to a committee pursuant to subsection (2) must be notified by the secretary of state by certified mail, with return receipt requested, at least 8 days before the appointment deadline specified in subsection (2). A prospective appointee may assent or decline to serve on the committee by so informing the secretary of state. Lack of response to the secretary of state for any reason 5 days after mailing of notice is considered to be refusal of appointment.

(5) The secretary of state shall determine which of the prospective appointees assenting to serve on the committee shall be appointed, according to the order of preference specified by the appointing authority, and shall so notify all prospective appointees by the appointment deadline specified in subsection (1) or (2), respectively.

13-27-404. **Committee chairman.** The appointee of the president of the senate is the chairman of any committee to which that

officer makes an appointment. The appointing authority for other committees shall name a chairman at the time the appointments are made.

13-27-405. **Committee expenses.** Each committee is entitled to receive funds for the preparation of arguments and expenses of members not to exceed \$100 for a three-member committee and \$200 for a five-member committee. Itemized claims for actual expenses incurred, approved by a majority of the committee, shall be submitted to the secretary of state for payment from funds appropriated for that purpose.

13-27-406. **Limitation on length of argument -- time of filing.** An argument advocating approval or rejection of a ballot issue is limited to 500 words and shall be filed, in typewritten form, with the secretary of state no later than 85 days before the election at which the issue will be voted on by the people. A majority of the committee responsible for preparation must approve and sign each argument filed. Separate signed letters of approval of an argument may be filed with the secretary of state by members of a committee if necessary to meet the filing deadline.

13-27-407. **Rebuttal arguments.** The secretary of state shall provide copies of the arguments advocating approval or rejection of a ballot issue to the members of the adversary committee no later than 1 day following the filing of both the approval and rejection arguments for the issue in his office. The committees may prepare rebuttal arguments no longer than 250 words that shall be filed, in typewritten form, with the secretary of state no later than 10 days after the deadline for filing the original arguments. Discussion in the rebuttal arguments must be confined to the subject matter raised in the argument being rebutted. The rebuttal argument shall be approved and signed by a majority of the committee responsible for its preparation. Separation signed letters of approval may be submitted in the same manner as for the original arguments.

13-27-408. **Rejection of improper arguments.** The secretary of state shall reject, with the approval of the attorney general, an argument of other matter held in contain obscene, vulgar, profane, scandalous, libelous, or defamatory matter; any language that in any way incites, counsels, promotes, or advocates hatred, abuse, violence, or hostility toward, or that tends to cast ridicule or shame upon, a group of persons by reason of race, color, religion, or sex; or any matter not allowed to be sent through the mail. Such arguments may not be filed or printed in the voter information pamphlet.

13-27-409. **Liability for contents of argument.** Nothing in this chapter relieves an author of any argument from civil or criminal responsibility for statements contained in an argument printed in the voter information pamphlet.

13-27-410. **Printing and distribution of voter information pamphlet.** (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 90 days before the election at which they will be submitted. The requisition shall include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to every voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract shall require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlet by not later than 30 days before the election at which the ballot issues will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each registered voter in the county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The mailing shall take place no later than 2 weeks after the pamphlets are received from the printer.

(5) Ten copies of the voter information pamphlet shall be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on the ballot issues.

Part 5

Election Procedure

13-27-501. **Secretary of state to certify ballot form.** (1) The secretary of state shall furnish to the official of each county responsible for preparation and printing of the ballots, at the same time as he certifies the names of the persons who are candidates for offices to be filled at the election, a certified copy of the form in which each ballot issue to be voted on by the people at the election is to appear on the ballot.

(2) Except as provided in (4), the secretary of state shall list for each issue:

- (a) the number;
- (b) the method of placement on the ballot;
- (c) the title;
- (d) the attorney general's explanatory statement if applicable;
- (e) the fiscal statement if applicable; and
- (f) the statements of the implication of a vote for or against the issue that are to be placed beside the diagram for marking the ballot.

(3) When required to do so, the secretary of state shall use for each ballot issue the title of the legislative act or legislative constitutional proposal or the title provided by the attorney general or district court. Following the number of the ballot issue, the secretary of state, when required to do so, shall include one of the following statements to identify why the issue has been placed on the ballot:

- (a) an act referred by the legislature;
- (b) an amendment to the constitution proposed by the legislature;
- (c) an act of the legislature referred by referendum petition; or
- (d) a law or constitutional amendment proposed by initiative petition.

(4) The county election administrator may, at least 14 days prior to the deadline for ballot certification by the secretary of state, request in writing that he be furnished an abbreviated form of the certified ballot. The secretary of state shall furnish to all counties from which he has received such a request a certified ballot containing only the information in subsections (2)(a), (2)(e), and (2)(f) of 13-27-501. If the county election administrator requests that the abbreviated ballot be prepared, copies of the information contained in subsections (2)(a) through (2)(f) must be distributed to each elector by an election judge as the elector enters the polling place.

13-27-502. Preparation of ballots by county officials. Each of the county officials responsible for the preparation and printing of the ballots shall print the ballot issues on the official ballot in the form and order in which the issues have been certified by the secretary of state. All ballot issues shall be placed on the official ballot prescribed by 13-12-207, 13-12-212, and 13-17-206 unless specific written approval by the secretary of state for placing the ballot issues on a separate ballot is received by the official responsible for printing the ballot. The secretary of state may issue such approval only when the number of issues to be voted on at an election makes it impractical to print the entire ballot, including the ballot issues on the official ballot as prescribed by 13-12-207, 13-12-212, and 13-17-206.

13-27-503. Determination of result of election. The votes on ballot issues shall be counted, canvassed, and returned by the regular boards of judges, clerks, and officers as votes for candidates are counted, canvassed, and returned. The abstract of votes on ballot issues shall be prepared and returned to the secretary of state in the manner provided by 13-15-501 for abstract of votes for state officers. The board of state canvassers shall proceed within 20 days after the election at which such ballot issues are voted upon and, at the same time as the votes for state officers are canvassed, canvass the votes given for each ballot issue. The secretary of state, as secretary of the board of state canvassers, shall prepare and file in his office a statement of the canvass, giving the number and title of each issue, the whole number of votes cast in the

state for and against each ballot issue, and the effective date of each ballot issue approved by a majority of those voting on the issue. The secretary of state shall transmit a certified copy of the statement of the canvass to the governor.

13-27-504. Copy of approved issues to be sent to legislative council. The secretary of state shall send a certified copy of all ballot issues which have been approved by a majority of those voting on the issue and a copy of the statement of the canvass to the executive director of the legislative council at the same time he transmits a certified copy of the statement of the canvass to the governor.

